

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

FILED

MAY 08 2014

Clerk, U.S. District Court
District Of Montana
Missoula

MUIRIA ARMSTRONG and A.A.,
biological daughter and minor child,

CV 14-24-BU-DWM-JCL

Plaintiffs,

vs.

ORDER

JOLYNE TESCHER, RHONDA
BELGARDE, CAROLYN DAVIS,
KATHLEEN CASHELL, RACHEL
BRANDEN, STACY DWYER,
MARK VUCUROVICH, KIM
POLICH, BRAD NEWMAN, MARY
KAY STARIN, SUSAN DAY,
JENNIFER DOWNING, DAN
DOWNING, TIM FOX, RICHARD
OPPER, EILEEN JOYCE, JAMES
REAVIS, and LORI MALONEY,

Defendants.

This matter comes before the Court on the proposed Findings and Recommendations entered by United States Magistrate Judge Jeremiah C. Lynch, (Doc. 3), regarding Plaintiff Muiria Armstrong's Complaint, in which she seeks relief with respect to the custody of her minor daughter, A.A., (Doc. 2). Because Armstrong is proceeding *in forma pauperis*, upon filing, this matter was referred

to Judge Lynch. *See* L.R. 72.2(a). Judge Lynch conducted a prescreening as required by 28 U.S.C. § 1915(e)(2) and filed his Findings and Recommendations on April 10, 2014. (Doc. 3 at 8.) Armstrong filed a responsive document on April 30, 2014. (Doc. 6 at 14.) Although untimely,¹ Armstrong's response will now be considered on review of Judge Lynch's report.

The Court reviews *de novo* those portions of the Findings and Recommendations to which Armstrong objects. 28 U.S.C. § 636(b)(1). Otherwise, the Findings and Recommendations are reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Armstrong filed a document entitled "Objection to dismiss RQST for Counsel" on April 30, 2014. (Doc. 6.) Although Armstrong labeled this document an "Objection," the document simply reasserts her grievances and fails to directly rejoin any of the analysis or conclusions presented in Judge Lynch's Findings and Recommendations. In the absence of any specific objections, the Court reviews Judge Lynch's determination that the Court must abstain under

¹ "Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court." 28 U.S.C. § 636(b)(1). Because the statutory objections period states that a party may file objections within a specified time after service of the findings and recommendations, and service of the Findings and Recommendations at issue here was made by mail and electronic means, three days are added after the period would otherwise expire. *See* Fed. R. Civ. P. 6(d). Accordingly, written objections to Judge Lynch's proposed Findings and Recommendations were due April 27, 2014.

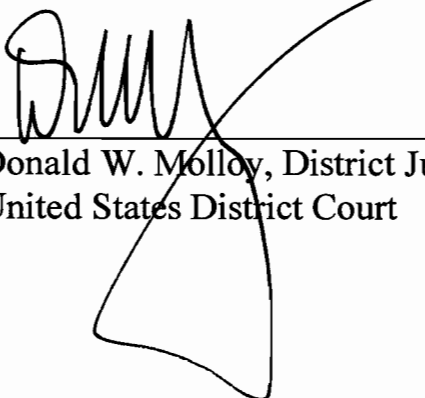
Younger v. Harris, 401 U.S. 37, 43-45 (1971), for clear error. Finding none, the Court adopts the Findings and Recommendations in-full.

IT IS ORDERED that Judge Lynch's Findings and Recommendations, (Doc. 3), are ADOPTED IN-FULL.

IT IS FURTHER ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that the Clerk of Court shall enter by separate document a judgment of dismissal, pursuant to Federal Rule of Civil Procedure 58, and close this case.

DATED this 9 day of May, 2014.



Donald W. Molloy, District Judge
United States District Court